RESOLUTION - ACTION REQUESTED 2014-266

MEETING: June 10, 2014

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Res-County Code Amendment No. 2014-005; Amendments to the Mariposa County Code Title 2 and Title 13

RECOMMENDED ACTION AND JUSTIFICATION:
PUBLIC HEARING to Adopt a Resolution Approving County Code Amendment No. 2014-005 with Findings, Including an Environmental Determination; and to Waive the First Reading and Introduce an Ordinance Amending Mariposa County Code Title 2 and Title 13 Pursuant to County Code Amendment No. 2014-005. Project Amends Code to Reflect Current Administrative Organization and Responsibilities for the Planning Department, the Building Department, the Health Department, the Public Works Department and the Planning Commission.

Project Amends Procedures for Planning Advisory Committees.

Conduct public hearing.

Adopt a resolution with the recommended findings:

- Finding that the project is exempt from environmental review and directing staff to file a Notice of Exemption for the project, and
- Approving Code Amendment No. 2014-005 as amended, effective on the effective date of the ordinance.

Waive the first reading and introduce an ordinance amending Mariposa County Code pursuant to Code Amendment 2014-005.

See staff report for additional information and justification for recommended action.

ATTACHMENTS:
Staff Report (PDF)
Resolution (PDF)
Ordinance (PDF)
Planning Commission Minutes (PDF)
Notice of Exemption (PDF)
Ordinance Summary  (PDF)

CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier
EXCUSED: Lee Stetson
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk
County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: County Code Amendment No. 2014-005; Amendments to the Mariposa County Code Title 2 and Title 13

Project Location: Amendment is of county wide significance and affects administrative provisions for the Building Department and removal provisions for advisory committees

2) Remove references to Building Department in Chapter 2.50 Mariposa County Planning Agency
3) Establish Chapter 2.39 to establish the Building Department as a separate department and to establish its functions and duties.
4) Amend procedures for the removal of Planning Advisory Committee members in Chapter 2.50.100.C and Wawona Appeals Board members in Chapter 2.54.050 for consistency as well as additional housekeeping changes.
5) Add Chapter 2.110.55 procedures for the removal of Agricultural Advisory Committee members for consistency.
6) Remove references to the building division of public works department and replace with building department in Subsection 13.08.070 Private sewage system and establish the Health Department as the only authority to establish reasonable standards of construction for sewage systems.
7) Other minor text amendments.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency Carrying Out Project: County of Mariposa

Exempt Status: General Rule Exemption; Section 15060(c)(2) and Section 15061(b)(3)

Reason Why Project Is Exempt: This project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (there is no possibility the activity in questions may have a significant effect on the environment), CEQA Guidelines. The amendments to county code are “housekeeping” amendments which are necessary for internal code consistency and to reflect existing administrative responsibilities of county departments.

Lead Agency Contact Person: Eileen Collins, Assistant Planner

Phone Number: (209) 966-5151

Sarah Williams
Planning Director

6/11/14

Date
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2014-266

A resolution approving County Code Amendment 2014-005, an amendment to Mariposa County Code Title 2 and Title 13: 1) to amend procedures for Planning Advisory Committees; 2) to establish the Building Department and its functions and duties separate from the Planning Department and Public Works Department; 3) to correctly identify the current functions and duties of the Planning Department; 4) to make removal provisions for advisory committees internally consistent; and 5) to make other minor amendments

WHEREAS, on the 14th day of January 2014, Resolution No 2014-23 was adopted by the Board of Supervisors, initiating amendments to Mariposa County Code Title 2 to amend procedures for Planning Advisory Committees, to establish the Building Department and its functions and duties separate from the Planning and Public Works Departments, to correctly identify the current functions and duties of the Planning Department, and to make member removal provisions for advisory committees internally consistent; and

WHEREAS, this project is known as County Code Amendment No. 2014-005; and

WHEREAS, following initiation action, County Code Amendment No. 2014-005 was routed to potentially affected departments and agencies and scheduled for review at meetings of active Planning Advisory Committees; and

WHEREAS, on March 10, 2014 the Historic Sites and Records Preservation Commission recommended approval of County Code Amendment No. 2014-005 with minor edits to text; and

WHEREAS, on February 20, 2014 the Agricultural Advisory Committee recommended approval of County Code Amendment No. 2014-005 with a request to research appropriate text; and

WHEREAS, on March 12, 2014 the Midpines Planning Advisory Committee recommended approval of County Code Amendment No. 2014-005 as initiated; and

WHEREAS, on March 21, 2014 the Wawona Planning Advisory Committee recommended approval of County Code Amendment No. 2014-005 as initiated; and
WHEREAS, on April 8, 2014 the El Portal Planning Advisory Committee recommended approval of County Code Amendment No. 2014-005; and

WHEREAS, on April 19, 2014 the Fish Camp Planning Advisory Council recommended approval of County Code Amendment No. 2014-005; and

WHEREAS, since the Board's action to initiate this project, and as a result of the department and agency review process, other amendments have been identified and are necessary in order to achieve the original objectives of the project; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 25th day of April 2014; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public.

WHEREAS, the Planning Commission of the County of Mariposa did recommend to the Mariposa County Board of Supervisors that they approve County Code Amendment No. 2014-005; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 10th day of June 2014; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT, the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act and approves County Code Amendment No. 2014-005 including amendments to Chapter 2.50 Chapter 2.52, Chapter 2.53, Chapter 2.90, Chapter 2.110, and Chapter 13.08.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors does hereby recommend approval of a new chapter to County Code, Chapter 2.39.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors approves this project based upon the findings set in Exhibit A.
BE IT FURTHER RESOLVED THAT, the recommended amendments are included as exhibits B through H to this resolution; amended text is shown by italicized underlined font for new text and double strike-through font for deleted text.

BE IT FURTHER RESOLVED THAT, all other text in Title 2 and Title 13 of County Code shall remain unchanged.

BE IT FINALLY RESOLVED THAT, the effective date of the amendments to Title 2 and 13 shall be the effective date of the ordinance adopted to amend Title 2 and 13.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Carrier, this resolution duly passed and adopted this 10th day of June 2014 by the following vote:

AYES: Jones, Bibby, Cann, Carrier

NOES: None

EXCUSED: Stetson

ABSTAIN: None

[Signature]
Kevin Cann, Chair
Mariposa County Board of Supervisor

ATTEST:
René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

[Signature]
Steven W. Dahlem
County Counsel
EXHIBIT A

Findings for Approval

1. **Finding:** The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

   **Evidence:** This project is in the general public interest as County Code will reflect current General Plan terms and County Code will be internally consistent relative to provisions for removal of advisory committee members. It is in the public interest to have administrative provisions for the Building Department reflect current conditions and be consistent with prior actions of the Board of Supervisors. The amendments are administrative in nature and will have no effects on the general public health, safety, peace, and welfare.

2. **Finding:** The amendments are desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision making.

   **Evidence:** These amendments will improve the Mariposa County General Plan by ensuring that county code accurately reflects implementation measures for area plans, by ensuring that county code is internally consistent relative to provisions for removal of advisory committee members, and by ensuring that county code reflects prior Board of Supervisor's actions relative to administration of the Building Department.

3. **Finding:** That such amendment conforms to the requirements of state law and county policy.

   **Evidence:** This amendment has been processed in accordance with state law, the General Plan and county code requirements. This amendment ensures internal consistency between various county code provisions and ensures that General Plan provisions for community planning are accurately reflected in the county code. Finally, the amendment will codify prior action by the Board of Supervisors to establish administrative provisions for the Building Department.
Chapter 2.50

MARIPOSA COUNTY PLANNING AGENCY

Sections:

2.50.010 Creation and composition of the planning agency.
2.50.020 Planning agency functions.
2.50.030 The board of supervisors.
2.50.040 The planning commission.
2.50.050 Planning department established.
2.50.060 The planning department.
2.50.070 Director of planning.
2.50.080 Duties of planning director.
2.50.100 Planning advisory committees established.

2.50.010 Creation and composition of the planning agency.
In accordance with government code sections 65100 through 65105, the planning agency of Mariposa County is comprised of the following:
A. The board of supervisors,
B. Planning commission, and the
C. Planning department.

2.50.020 Planning agency functions.
In accordance with the provisions of government code section 65103, the planning agency shall perform the following functions:
A. Prepare, periodically review, and revise, as necessary, the general plan;
B. Implement the general plan through actions including, but not limited to, the administration of area plans, specific plans and zoning and subdivision ordinances;
C. Annually review the capital improvement program of the county and the local public works projects of other local agencies for their consistency with the general plan;
D. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it;
E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally, concerning implementation of the general plan;
F. Promote the coordination of local plans and programs with the plans and programs of other public agencies; and
G. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2.50.030 The board of supervisors.
The board of supervisors, as the legislative body of Mariposa County shall:
A. Exercise the appointing power provided under state law and this code including appointment of the director of planning, the
voting members of the planning commission, and such other boards, commissions, committees or advisory groups as may be established in accordance with this code or state law;

B. Adopt a general plan, area plans, and specific plans, regulations and ordinances as required by law and/or are deemed necessary for purposes of conducting a planning program in Mariposa County;

C. Exercise the functions of the “Official Agency” specified in government code section 65401; and

D. Be the final appellant body on all matters as specified in this code with respect to planning matters.

2.50.040 The planning commission.
The planning commission shall:
A. Exercise the powers and duties prescribed by statute and this code except those powers and duties specifically reserved or delegated to other divisions of the planning agency;
B. Initiate the preparation of general plans, area plans, specific plans, regulations, programs and legislation necessary to implement the planning programs of the county;
C. Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;
D. Be the advisory agency as designated in Title 16 of this code for the purpose of acting on subdivision proposals;
E. Hear and decide all requests for conditional use permits;
F. Hear and decide all requests for variance permits;
G. Review and act upon all other matters as may be required by this code; and
H. Review the capital improvement program of the county and make recommendations to the board of supervisors with respect to its consistency with the general plan, area plans and specific plans. (Ord. 910 Sec.II, 1997).

2.50.050 Planning department established.
There is hereby created a county department known as the planning department.

2.50.060 Planning department functions.
The planning department shall:
A. Perform the duties required for the proper preparation and administration of the general plan, area plans and specific plans as provided by statute and county code;
B. Perform the duties required for the proper preparation and administration of the titles specified by this code, including Title 16, Title 17 and Title 18;
D. Provide administrative support and professional advice to the planning commission and board of supervisors; and
E. Perform special studies and surveys as directed by the board of supervisors.

2.50.070 Director of planning.
The planning director shall administer the planning department. The Mariposa County Board of Supervisors shall appoint a planning director qualified by training, experience and demonstrated ability to manage the affairs of the planning department. The planning director shall serve at the pleasure of the board of supervisors. (Ord. 910 Sec.II, 1997).

2.50.080 Duties of planning director.
The planning director, as chief administrator of the planning department shall:
A. Be responsible for directing, supervising and overseeing the staff activities of the department;
B. Prepare and administer the budget of the department;
C. Advise the board and commission on matters relating to zoning and land use, subdivisions, mining, and other planning matters, and act as approval authority for projects as specified by this code; Conduct investigations, prepare reports and recommendations on matters relating to planning in the county as required by government code section 65400;
D. Conduct investigations, prepare reports and recommendations on matters relating to planning in the county as required by government code section 65400(a);
E. Act as official spokesman for the planning agency and prepare such notices, publications and other materials necessary to assure that the planning agency meets it statutory public information requirements as set forth in government code section 65103;
F. Prepare an annual report for the legislative body as set forth in government code section 65400(b);
G. Act as zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of the county's zoning code;
H. Collect and deposit with the Mariposa County Treasurer's Office, all fees and charges for service by the planning department, as set forth by this code;
I. Oversee and administer the county environmental review procedures in accordance with the requirements of Title 14 of the California Code of Regulations and Sections 21000 through 21176 Public Resources Code.
J. Oversee and administer LAFCo, the Local Agency Formation Commission, in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Sections 56000 through 57550 (Ord. 920 Sec.II, 1997; Ord. 910 Sec.II, 1997; Ord. 796 Sec.IV, 1991; Ord. 653 Sec.1, 1986).

2.50.100 Planning Advisory Committees established.
A. The board of supervisors may establish planning advisory committees to recommend actions representing the local community views about planning matters to the planning commission and board of
supervisors. The board may also refer other matters of community interests to the planning advisory committee as necessary;

B. Planning advisory committees shall be initiated by resolution of the board. The resolution shall, at a minimum, include:
   1. A purpose for the committee, and
   2. A general mission for the committee’s work, and
   3. The number of members to be appointed to the committee, and
   4. The geographic boundaries of the area in which the committee’s recommendation is to be sought; and
   5. The resolution shall cross-reference the requirement for all planning advisory committees to utilize the standard bylaws approved by the board of supervisors pursuant to this section and submit any proposed modifications meeting committee needs to the board for approval;

C. Citizen advisory committee members shall be appointed by a majority of the board and may be removed by a majority vote of the board. The committee shall be comprised of members who shall be from one of the following groups:
   1. Property owners within the planning advisory committee geographic boundaries, or
   2. Owners of businesses located within the planning advisory committee geographic boundaries, or
   3. Employees of businesses located within the planning advisory committee geographic boundaries, or
   4. Electors registered to vote within the planning advisory committee geographic boundaries, or
   5. Residents of the area within the planning advisory committee geographic boundaries.

   6. The board may appoint non-voting ex-officio members who may provide expertise and guidance associated with special disciplines or organizations affected by the recommendations of the committee.

D. County staff shall provide support resources to the committees, and the planning director shall be empowered to call upon appropriate departments to provide information required to assist the committee in carrying out its board-designated responsibilities;

E. Committee members shall be appointed to staggered two-year terms and may be reappointed by the board without term limitations. All terms shall expire upon the last day of February of the appropriate year.

1. For committees formed after the effective date of this ordinance when the committee appointments are made, half of the committee members plus one shall be appointed to a first term of two years, the remaining committee members shall be appointed to a one year term. The selection of committee members to one year or two year terms shall be by lot drawn by the chair of the board of supervisors.

F. Election of officers:
   1. At its first meeting, and at its first meeting of each subsequent year, the committee shall elect a chair and vice-chair to serve a term of one year until the successor of each is appointed and qualified.
2. The chair shall preside at all meetings of the committee and shall perform all the duties necessary or incidental to his office, including approval of the agenda topics for the meeting.

3. The vice-chair is chair in the absence or inability of the chair to act.

4. a. At its first meeting, and its first meeting of each subsequent year, the committee shall determine whether it wishes to appoint a secretary to prepare minutes of the meetings in a manner consistent with the requirements of the bylaws for planning advisory committees. The planning director or designee shall be responsible for recording the meeting and the archival storage of the meeting tapes.

   b. If the committee determines it does not wish to appoint a secretary, the planning director or designee serves as the secretary to the committee and is responsible for recording the meeting, the archival storage of the tapes, and preparation of summary minutes.

   c. The committee may opt to change its appointment of a secretary at any time during the year after appropriately placing the matter on its agenda.

   d. The duties of the secretary shall be to maintain meeting notes and preparation of meeting minutes within the prescribed form and deadline established in the committee’s bylaws;

5. The planning director shall be responsible for receipt, distribution, and preparation of committee correspondence, and related duties as requested by the committee.

6. The planning director shall prepare draft bylaws for the review and approval of the planning advisory committees prior to submittal and final approval by the board of supervisors; each committee may prepare additional components to the standard bylaws meeting committee needs. The amended provisions are subject to review and approval of the board of supervisors;

7. Notice of committee meetings shall be posted and published not less than fourteen days prior to the date of the meeting at the following locations:

   1. The planning agency internet site, and
   2. The Mariposa County Government Center, and
   3. A centralized posting location within the area served by the committee, and
   4. The meeting location, and
   5. Publication shall occur in a newspaper of general circulation, and
   6. The planning director may supplement required notifications in any manner deemed appropriate for the content of the proposed agenda.

8. Meetings of a planning advisory committee shall be subject to the provisions of the California Open Meeting Law (Brown Act). (Ord. 973 Sec. 3, 2002)
Chapter 2.39

MARIPOSA COUNTY BUILDING DEPARTMENT

Sections:

2.39.010 Building department established
2.39.020 Building department functions.
2.39.030 Director of building.
2.39.040 Duties of building director.

2.39.010 Building department established.
There is hereby created a county department known as the building department.

2.39.020 Building department functions.
The building department shall:

A. Implement the building permit and inspection function for the county, including:

1. Administer, interpret and enforce within the boundaries or the agreed upon line of assessment of the county the California Code of Regulations Title 24, Parts 1-12 as adopted by the Mariposa County Board of Supervisors. Administer, interpret and enforce all the applicable county ordinances relating to the state’s and county’s statutory responsibilities under all of the provisions of the State Housing Law and Earthquake Protection Law, Division 13, Parts 1.5 and 3, Section 18300 and 19992 of the Health and Safety Code of the state as applicable; California Code of Regulations, Title 25, Chapters 1, 3, and 5 as applicable and all other applicable provisions of all future ordinances and laws and amendments thereto relating to building. Such enforcement shall include all of the duties prescribed by these laws, rules and regulations including inspecting buildings and structures to verify that construction or alteration work is being done according to approved plans and in accordance with the provisions of applicable state and local building codes and ordinances, and issue all orders required in enforcement.

2. Issue all permits required to be issued in the enforcement of the building process as required by the California Code of Regulations Title 24, Parts 1-12 as adopted by the Mariposa County Board of Supervisors. “Permit” means any license, certificate, registration, permit, or any other form of authorization required to be issued by the county, or state if applicable, which deals with construction and building, and excluding permits issued by other county agencies.

3. To assist in the implementation of these duties, the building department shall consist of a building director and such other employees as designated by the board of supervisors.

4. Perform duties as directed by the Mariposa County Board of Supervisors and the State of California per referenced legislation.
2.39.030 Director of building.
The building director shall administer the building department. The Mariposa County Board of Supervisors shall appoint a building director qualified by training, experience and demonstrated ability to manage the affairs of the building department. The building director shall serve at the pleasure of the board of supervisors.

2.39.040 Duties of building director.
The building director, as chief administrator of the building department, shall:

A. Interpret California Code of Regulations Title 24 Parts 1-12 as adopted by the Mariposa County Board of Supervisors and local ordinances to staff, architects, developers, contractors, and property owners; investigate and resolve complaints or disputes regarding code interpretation and enforcement standards;

B. Be responsible for directing, supervising and overseeing the staff activities of the department;

C. Provide training and technical guidance to staff regarding proper inspection, record-keeping, reporting and other department operations;

D. Prepare and administer the budget of the department including tracking and authorizing expenditures;

E. Supervise and approve the issuance of permits and renewals required in the enforcement of California Code of Regulations Title 24, Parts 1-12 as adopted by the Mariposa County Board of Supervisors.

F. Direct and supervise the inspections of buildings, structures and other construction or alternation work to verify that work is performed according to approved plans and in accordance with the provisions of adopted and applicable codes;

G. Advise the board on matters relating to Title 24, Parts 1-12 as adopted by the Mariposa County Board of Supervisors and other building matters, and act as issuing authority for permits as specified by this code;

H. Enforce and supervise the enforcement of Title 24, Parts 1-12 as adopted by the Mariposa County Board of Supervisors for the county and take such actions as necessary to assure fair and equal enforcement of the adopted building code; and

I. Oversee the collection and deposit with the Mariposa County Treasurer’s Office, all fees and charges for service by the building department, as set forth by this code.

J. Meet and exercise the requirements of the current Mariposa County Building Department director job description.
Chapter 2.52

PLANNING COMMISSION

Sections:

2.52.010 Membership--Representation of supervisorial district.
2.52.020 Qualifications.
2.52.030 Term, nomination and appointment.
2.52.040 Removal from office or vacancy.
2.52.050 Absence from meeting.
2.52.060 Meetings--Place.
2.52.070 Meetings--Date and time.
2.52.080 Meetings--Adjourned and special
2.52.090 (Repealed).
2.52.100 Compensation.
2.52.110 Appointment of chair, vice chair and secretary.
2.52.120 Adoption of rules.
2.52.130 Duties and powers.
2.52.140 Quorum.
2.52.150 Duties of chair.
2.52.160 Vice-chair.
2.52.170 Secretary.
2.52.180 Applications--Scope of matters to be heard by commission and its committees.
2.52.190 (Repealed).
2.52.200 (Repealed).
2.52.210 Applications--Referral to planning commission.
2.52.220 Applications--Receipt--Hearing.
2.52.230 (Repealed).
2.52.240 (Repealed).
2.52.250 (Repealed).
2.52.260 (Repealed).
2.52.270 (Repealed).
2.52.280 (Repealed).
2.52.290 (Repealed).
2.52.300 (Repealed).
2.52.310 (Repealed).
2.52.320 Time and manner of planning commission decision.
2.52.330 (Repealed).
2.52.340 (Repealed).
2.52.350 (Repealed).
2.52.360 (Repealed).
2.52.370 (Repealed).
2.52.380 (Repealed).
2.52.390 (Repealed).
2.52.400 (Repealed).
2.52.410 (Repealed).
2.52.420 (Repealed).
2.52.430 (Repealed).
2.52.010 Membership--Representation of supervisorial district.
The planning commission shall consist of five (5) members appointed by a majority vote of the board of supervisors. Each supervisorial district shall be represented by one regular member who shall reside within the district. (Ord. 848 Sec.I, 1993; Ord. 632 Sec.1, 1984; Ord. 581 Sec.1, 1982; Ord. 390 Sec.1, 1975; Ord. 387 Sec.2, 1974).

2.52.020 Qualifications.
Each member of the planning commission shall be a qualified elector of the county. (Ord. 387 Sec.3, 1974).

2.52.030 Term, nomination and appointment.
The term of each member of the planning commission shall coincide with the term of the supervisor of the district which the member represents at the time of appointment. Re-election of the supervisor of that district shall not constitute reappointment of the planning commission member. If for any reason a new supervisor is appointed or elected for a district, the term of the planning commission member of that district shall immediately terminate on the date the new supervisor assumes office. The supervisor of each district shall nominate one or more candidates to represent that district for appointment by the board of supervisors. Each member shall serve until his successor is appointed. (Ord. 848 Sec.II, 1993; Ord. 632 Sec.2, 1984; Ord. 581 Sec.2, 1982; Ord. 390 Sec.2, 1975; Ord. 387 Sec.4, 1974).

2.52.040 Removal from office or vacancy.
A member of the commission may be removed by a majority vote of the board of supervisors. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term. (Ord. 387 Sec.5, 1974).

2.52.050 Absence from meeting.
A. A member's absence without cause from two (2) consecutive meetings is grounds for removal action by the board of supervisors. The vacancy is to be filled in the same manner as the original appointment.
2.52.060 Meetings-Place.
The regular meeting place of the commission shall be at the government center located at 5100 Bullion Street, Mariposa, California, or at such other location approved in advance by the board of supervisors. (Ord. 987 Sec.1, 2003; Ord. 581 Sec.3, 1982; Ord. 387 Sec.7(a), 1974).

2.52.070 Meetings-Date and time.
Regular meetings of the planning commission during the year shall be scheduled a minimum of two (2) times each month, the date and time to be set by the planning commission. Notwithstanding anything to the contrary contained in this section, the planning commission may, by majority vote, cancel or reschedule any regular meeting of the commission. Any cancellation or rescheduling of a regular planning commission meeting by the planning commission shall be conducted in open session at a regular meeting of the commission. Additionally, the planning director may cancel any regular meeting of the commission if there is no regular business to be conducted by the commission. Notice of a cancelled regular meeting of the planning commission shall be by posting at least 72 hours before the scheduled regular meeting in a location that is freely accessible to members of the public and on the county’s Internet Web site. This posting requirement shall apply to all cancelled meetings of the commission. (Ord. 1062 Sec.1, 2009; Ord. 672 Sec.1, 1986; Ord. 581 Sec.4, 1982; Ord. 444 Sec.1, 1977; Ord. 415 Sec.1, 1976; Ord. 400 Art.1, 1975; Ord. 381 Sec.7(b), 1974).

2.52.080 Meetings-Adjourned and special.
Adjourned meetings and special meetings shall be held in accordance with the Ralph M. Brown Act, Government Code Sections 54950-54961, as may be amended from time to time. (Ord. 387 Sec.7(c), 1974).

2.52.090 (Repealed).

2.52.100 Compensation.
Members of the planning commission shall receive such compensation as shall be determined by resolution of the board of supervisors and such resolution shall also determine mileage reimbursement and the compensation of the secretary of the commission for attendance at commission meetings outside normal working hours. (Ord. 567 Sec.1, 1981; Ord. 535 Sec.1, 2, 1980; Ord. 396, 1975; Ord. 387 Sec.8, 1974).

2.52.110 Appointment of chair, vice chair and secretary.
The commission shall elect a chair and vice-chair from among its members. The chair and vice-chair serve for a term of one (1) year and until the successor of each is appointed and qualified. The commission shall appoint a secretary who need not be a member of the commission. (Ord. 387 Sec.9, 1974).
2.52.120 Adoption of rules.
The commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 387 Sec.10, 1974).

2.52.130 Duties and powers.
In addition to the duties, rights and powers imposed by state law, the commission shall perform the duties, and has the rights, powers and privileges provided by ordinance or resolution of the board of supervisors. (Ord. 387 Sec.11, 1974).

2.52.140 Quorum.
Three (3) members of the commission shall constitute a quorum for the transaction of business. (Ord. 581 Sec.5, 1982; Ord. 387 Sec.12, 1974).

2.52.150 Duties of chair.
The chair shall preside at all meetings of the commission. The chair shall perform all the duties necessary or incidental to the office. (Ord. 910 Sec.II, 1997; Ord. 387 Sec.13(a), 1974).

2.52.160 Vice-chair.
The vice-chair is chair in the absence or inability of the chair to act. (Ord. 387 Sec.13(b), 1974).
Chapter 2.54

WAHONA APPEALS BOARD

SECTIONS:

2.54.005 Authority, purpose, and intent.
2.54.010 Staff support.
2.54.020 Membership.
2.54.030 Term, nomination, and appointment.
2.54.040 Removal from office or vacancy.
2.54.050 Absence from meeting.
2.54.060 Meetings--Place and time.
2.54.070 Appointment of chair and vice-chair.
2.54.080 Adoption of rules.
2.54.090 Duties and powers.
2.54.100 Quorum.
2.54.110 Duties of chair.
2.54.120 Vice-chair.
2.54.130 Secretary.
2.54.140 Scope of matters to be considered by the Board of Appeals.
2.54.150 Applications--Fees.
2.54.160 Referrals to the Board of Appeals.
2.54.170 Hearing--Burden of proof.
2.54.180 General standards to consider.
2.54.190 Time and manner of Board decision.
2.54.200 Time limit on re-application for same matter.
2.54.210 Land use permits--Expiration.

2.54.005 Authority, Purpose and Intent.

The Wawona Board of Appeals is established pursuant to Sections 65900-65904 of the Government Code for the purpose of implementing the policies, procedures and standards of the Wawona Specific Plan. Its intent is to further the cooperative effort between the National Park Service and Mariposa County in the Wawona area, and it shall have jurisdiction only within the Town Planning Area. (Ord. 770 Sec.1, 1990).

2.54.010 Staff support.

A. Secretarial support to the appeals board shall be provided by the secretary to the planning commission, and responsibilities shall include the preparation of public notices, agendas, staff reports and minutes.

B. Technical support to the appeals board shall be provided by Mariposa County Planning Department, and responsibili-
ties shall include the preparation of special reports, planning documents, and obtaining of such information as the board deems necessary for the discharge of its responsibilities. (Ord. 770 Sec.1, 1990).

2.54.020 Membership.
The Wawona Board of Appeals shall consist of five (5) members as follows:
The supervisor whose district includes the private sector of Section 35; One (1) record property owner of private land in Section 35 to be selected by the Board of Supervisors of Mariposa County; Two (2) employees of the National Park Service selected by the Superintendent of Yosemite National Park; and one (1) Mariposa County resident mutually selected by the board of supervisors and the Superintendent of Yosemite National Park. (Ord. 770 Sec.1, 1990).

2.54.030 Term, nomination, and appointment.
The term of each member of the appeals board shall be two (2) years. The board of supervisors and the park superintendent shall nominate one or more candidates for the public member and alternate public member. Appointment by the appeals board shall be at a special meeting scheduled solely for that purpose. (Ord. 770 Sec.1, 1990).

2.54.040 Removal from office or vacancy.
A member of the appeals board may be removed by a majority vote of the board of supervisors with approval by the park superintendent. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the un-expired term. (Ord. 770 Sec.1, 1990).

2.54.050 Absence from meeting.
A. A member’s absence without cause from two (2) consecutive meetings is grounds for removal action by the board of supervisors. The vacancy is to be filled in the same manner as the original appointment.

2.54.060 Meetings--Place and time.
The meeting place of the board of appeals shall be at the Wawona Community Building, or at such other location approved in advance by the appeals board. The appeals board shall meet only as necessary to consider matters scheduled by the secretary to the board. All meetings shall be held in accordance with Government Code Sections 54950-54961. (Ord. 770 Sec.1, 1990).
2.54.070 Appointment of chair and vice-chair.
The appeals board shall elect a chair and vice-chair from among its members. The chair and vice-chair serve for a term of one (1) year and until the successor of each is appointed and qualified. (Ord. 770 Sec.1, 1990).

2.54.080 Adoption of rules.
The appeals board shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 770 Sec.1, 1990).

2.54.090 Duties and powers.
The appeals board shall serve as an advisory body to the Mariposa County Board of Supervisors on all issues heard by the appeals board. (Ord. 770 Sec.1, 1990).

2.54.100 Quorum.
Three (3) members of the appeals board shall constitute a quorum for the transaction of business. (Ord. 770 Sec.1, 1990).

2.54.110 Duties of chair.
The chair shall preside at all meetings of the board. The chair shall perform all the duties necessary or incidental to the office. (Ord. 770 Sec.1, 1990).

2.54.120 Vice-chair.
The vice-chair is chair in the absence or inability of the chair to act. (Ord. 770 Sec.1, 1990).

2.54.130 Secretary.
The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. (Ord. 770 Sec.1, 1990).
Chapter 2.90

HISTORIC SITES AND RECORDS PRESERVATION COMMISSION

Sections:

2.90.010 Establishment of commission.
2.90.020 Membership.
2.90.030 Officers.
2.90.040 Commission meetings.
2.90.050 Public participation.
2.90.060 Duties and responsibilities.
2.90.070 Staff support.

2.90.010 Establishment of commission.

There is hereby established a commission to be known as the "Historic Sites and Records Preservation Commission", hereinafter referred to as the "commission". (Ord. 870 Sec.I, 1994).

2.90.020 Membership.

A. The commission shall consist of nine (9) voting members consisting of the following members: one (1) member representing the Northern Mariposa County History Center, one (1) member representing the Butterfly Garden Club, one (1) member representing the Mariposa Museum and History Center, Incorporated, one (1) member representing the Native American Indian Community of Mariposa County, and five (5) at-large members. There shall additionally be five (5) alternate members. There shall be one (1) alternate member for each of the above-specified groups and one (1) alternate at-large. Alternate members shall only be permitted to vote when the respective alternate's regular member is absent. (By way of example, if the regular member representing the Mariposa Museum and History Center, Inc. is absent, the alternate representing the Mariposa Museum and History Center, Inc. may vote, but the same alternate may not vote if the regular member representing the Mariposa Museum and History Center, Inc. is present.) In the absence of a regular member, when his or her alternate is present the alternate shall be counted as a member for purposes of establishing a quorum. The specified members and alternates shall be appointed by the board of supervisors. The members and alternates representing the Native American Indian Community and the at-large members of the commission shall be appointed to the commission and shall have a demonstrated interest and knowledge of Mariposa County history and historic preservation. (Ord. 1058 Sec.I, 2009).
B. The terms of office of the commission members shall be continuous until resignation or removal by a majority vote of the board of supervisors.  
C. A member’s absence without cause from two (2) consecutive meetings is grounds for removal action by the board of supervisors. The alternative member position is not subject to these provisions if the corresponding voting member position is filled.  
D. The members of the commission shall serve without compensation.  (Ord. 956 Sec.1, 2000; Ord. 870 Sec.1, 1994).

2.90.030 Officers.  
The members of the commission shall elect a chair and vice-chair by a majority vote at the first meeting of the commission who shall serve for a period of one (1) year or until a successor is selected. The chair, when present, shall preside at all meetings of the commission and shall conduct the business of the commission. The vice-chair, in the absence of the chair, shall perform all the functions and duties of the chair.  (Ord. 870 Sec.1, 1994).

2.90.040 Commission meetings.  
A. The commission shall meet as necessary to perform the duties and responsibilities of the commission. Meetings shall be held when necessary to act on matters requiring review by the commission. Commission meetings shall be open to the public with published agenda and minutes and shall be held in a public place and advertised in advance in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and organizations who have requested such notice and to all property owners and applicants who may be affected by any item on the agenda. Written minutes of commission meetings shall be kept on file in the Mariposa County planning department and be available for public inspection.  
B. Meetings shall be scheduled by the chair after conferring with the planning director regarding the agenda items and necessary noticing and advertising.  
C. A quorum shall consist of five (5) members. In the absence of a quorum, a meeting may be canceled or continued to a date, time, and place certain by the members present. All actions and decisions of the commission shall result from a motion fully stated by the moving party, followed by a second, and passed by five (5) votes.  (Ord. 870 Sec.1, 1994).

2.90.050 Public participation.  
The commission shall provide for adequate public participation in the local historic sites preservation program. The commission shall provide opportunities for and encourage public participation in all responsibilities and duties assigned to it, in accordance with appropriate regulations, standards, and guidelines.  (Ord. 870 Sec.1, 1994).
2.90.060 Duties and responsibilities.

The commission is charged with the following duties and responsibilities:

A. The commission shall maintain a system for survey and inventory of historic properties. The commission shall be responsible for organizing, developing, and administering an inventory of cultural and historic resources within the County of Mariposa and shall develop procedures for conducting an inventory of such resources. The commission shall adopt state guidelines for conducting surveys and compiling inventories of historic properties and shall use state-approved inventory forms (DPR 523), encoding sheets (DPR 660), and the California Historic Resources Inventory Survey Workbook. Procedural standards for evaluation of properties shall be consistent with the National Register of Historic Places criteria. As part of an on-going survey effort, such procedural standards shall provide for periodic updates of identified and surveyed resources on a regular basis as the condition and importance of historic sites may change. Survey activities to update previously surveyed resources and identify non-inventory resources shall be coordinated with and complementary to the state program and Mariposa County Historic and Cultural Resources Inventory to ensure that survey results produced by the commission will be readily integrated into the statewide comprehensive historic preservation planning process and Mariposa County Historic and Cultural Resources Inventory. The commission shall make recommendations to the board of supervisors on county procedures to facilitate the use of survey results in the planning process by county officials and departments and other governmental agencies. The commission shall submit and file survey results with the Mariposa County Planning Department where such surveys shall be deposited and maintained. Copies of the surveys shall be forwarded to the State Office of Historic Preservation.

B. The commission shall be responsible for overseeing the compiling, recording, and updating of information on cultural and historic resources within the county. The information shall be based on comprehensive surveys of historic properties and shall be in a form that collates the survey results into a usable document. This information shall be available to the public to the extent that historic properties will not be vandalized or harmed by the release of such information as determined by the commission.

C. The commission shall maintain the official “Mariposa County List of Buildings or Structures, Sites and other Historical Resources with Special Historical or Architectural Significance” which shall list all buildings and structures determined by the board of supervisors to be historically or architecturally significant. The commission may nominate buildings, sites, structures, and other historical resources for listing to the board of supervisors.

D. The commission may publish procedural rules for registering historic properties which are identified in the county historic and cultural resources survey program in the National Register of Historic Places in accordance with the requirements of the National Historic Preservation Act, section 101(c)(2). However, the commission does not
have the authority to nominate properties directly to the National Register. The commission shall review all nominations to the National Register which involve county property.

E. The commission shall review all discretionary private development projects which may impact an historic or archaeological site in the county upon referral from the board of supervisors, planning commission, or a county department head. The commission shall determine the significance of the site and the project's impact on the site, if any, and recommend appropriate mitigation measures to mitigate any impact. The commission shall formulate a recommendation to the referring body on these findings and shall make a recommendation within three (3) weeks after referral.

F. The commission shall review all public projects undertaken by the county or other government agency which may impact an historic or archaeological site upon referral from the board of supervisors or a county department head. The commission shall formulate a recommendation to the board of supervisors within three (3) weeks after referral.

G. The commission may review county policies and ordinances which regulate or affect historic or archaeological sites and may make recommendations to the board on historic site preservation policies and ordinances.

H. The commission may review new names proposed for roads in the county-maintained system for historical significance and may make recommendations to the board of supervisors on the proposed road name.

I. The commission shall evaluate county records for historical content and recommend to the board of supervisors measures to preserve such historical records.

J. The commission may recommend to the board of supervisors measures designed to preserve and/or restore the integrity of historic buildings, structures, sites, and other historical resources. (Ord. 870 Sec. I, 1994).

2.90.070 Staff support.

Technical and secretarial support to the commission shall be provided by the Mariposa County Planning Department. Its responsibilities include the preparation of public notices, agendas, and minutes as can be reasonably provided; and the preparation of informational reports and board agenda packets and obtaining such information as the commission deems necessary for the discharge of its responsibilities. Substantial work or additional responsibilities which cannot be accommodated within the adopted budget of the planning and building department shall be approved by the board of supervisors. (Ord. 870 Sec. I, 1994).
Chapter 2.110
Agricultural Advisory Committee

Sections:

2.110.010 Purpose.
2.110.020 Established.
2.110.030 Qualifications.
2.110.040 Term of office and appointment.
2.110.050 Removal.
2.110.060 Duties.

2.110.010 Purpose.
(omitted).

2.110.020 Established.
The agricultural advisory committee is established to advise and recommend as requested on agricultural issues associated with the general plan and zoning, applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, non-renewal of Williamson Act (Land Conservation Act) contracts, policy for implementation of the Land Conservation Act in Mariposa County, and other matters of importance to the agricultural community and agricultural industry. (Ord. 1015 Sec. I, 2005).

2.110.030 Qualifications.
A. The agricultural advisory committee shall be composed of five voting members consisting of:
1. The president of the Mariposa County Farm Bureau or designee,
2. Chair of the Mariposa County Resource Conservation District or designee,
3. A member from the public who represents the cattle industry, preferably a cattleman or cattlewoman belonging to the Merced/Mariposa County Cattlemen’s Association,
4. Two (2) members of the public at large, who are representatives of the agricultural community, or knowledgeable of local agriculture, or have an agricultural background;
5. All voting members shall be permanent residents of Mariposa County.

B. Staff to the agricultural advisory committee shall be:
1. The county planning director or designee,
2. The Natural Resources Conservation Service (NRCS) district conservationist,
3. The county agricultural commissioner or designee,
4. The county assessor or designee,
5. The University of California Cooperative Extension County Director,
6. A planning commissioner nominated by the planning commission,
7. Other professional staff as directed by the board of supervisors or the committee chair;
C. The committee shall elect at a chair at its first meeting of the calendar year from amongst its members. (Ord. 1015 Sec.I, 2005).

2.110.040 Term of office and appointment.
A. Each member shall be appointed by the board of supervisors for a term of two years expiring on the last day of February in the appropriate calendar year, or until a reappointment is made.
B. The identified organizations shall present their names to the board of supervisors for appointment prior to the expiration of a term.
C. The identified organizations may propose a designee in lieu of the identified person or an alternate member to serve in the absence of the appointed members. All alternates shall be appointed by the board of supervisors. (Ord. 1015 Sec.I, 2005).

2.110.050 Removal.
A. All members serve at the pleasure of the board of supervisors, and may be removed by majority vote of the board. (Ord. 1015 Sec.I, 2005).
B. A member’s absence without cause from two (2) consecutive meetings is grounds for removal action by the board of supervisors.

2.110.060 Duties.
The committee shall provide comment, recommendation, and advice to the planning commission, board of supervisors and its personnel on the following matters:
A. Advise and provide recommendations on agricultural issues associated with the general plan and zoning;
B. Review and provide recommendations on changes in policy for implementing the Williamson Act (Land Conservation Act);
C. Review and provide recommendations on applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, and non-renewal of Williamson Act (Land Conservation Act) contracts; and
D. Recommendations to the board of supervisors on matters of importance to the agricultural community and agricultural industry. (Ord. 1015 Sec.I, 2005).
Chapter 13.08
SEWAGE DISPOSAL

Sections:

13.08.010 Definitions.
13.08.020 Connection to public or private system.
13.08.030 Privies or chemical toilets--Permission required.
13.08.040 Public sewer connections.
13.08.050 Requirements for sewage disposal systems.
13.08.060 Septic tanks and drainage systems--Cesspools and sewage wells.
13.08.070 Private sewage system--Permit required.
13.08.080 Private sewage system--Application for installation.
13.08.090 Private sewage system--Rules and Regulations.
13.08.100 Repealed.
13.08.110 Unlawful occupation.
13.08.120 Violation--Notice and opportunity to cure.
13.08.130 Violation--Abatement of occupancy.
13.08.140 Enforcement measures only.
13.08.150 Violation--Penalty.

13.08.010 Definitions.

For the purpose of this chapter certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

A. "Approved" means any plan of facilities which indicates that the existing facility or construction thereof is or will be equal to the generally accepted standards for such installations.

B. "Board" means the board of supervisors of the county, or their delegated governing bodies.

C. "Drainage system" means all the piping within public or private premises which conveys sewage or other liquid wastes to a point of disposal, but shall not include any portion of a public sewage system.

D. "Dwelling" means any housing unit constructed for the purpose of housing one or more families and includes mobile homes, trailers, etc.

E. "Effluent" means any liquid waste or sewage of which a portion of the solids have been removed by a primary treatment method.

F. "Health department" means the health department of the county.

G. "Health officer" means the health officer of the county, or his duly authorized representative.

H. "Person" means any person, firm, association, organization, partnership, business, corporation or company.

I. "Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as
to retain solids, digest organic matter during a period of detention, and allow the effluent to drain into a subsurface absorption system.

J. "Sewage" means any and all waste substances, liquid or solid, associated with human habitation, or which contain or may be contaminated with human or animal excreta or excrement, offal or any feculent matter and includes all liquid waste from toilets, bidets, and kitchen sinks. (Ord. 809 Sec.II, 1991)

K. "Sewage disposal system" means any sewer system, sewage disposal plant, septic tank, drainage system, seepage pit, chemical toilet, privy or any other facility constructed for the purpose of receiving sewage or its effluent.

L. "Sewer well" means any hole used for disposal of sewage that has been dug or drilled into the ground and extends to or into the subterranean water-bearing stratum which is used or may be used as a domestic water source.

M. "Violator" means any person, persons, or other legal entity which is in violation of any of the terms and conditions of this chapter or of any other resolution, ordinance, rule or regulation of the health department as described in Section 13.08.090. (Ord. 612 Sec.2, 1984).

N. "Well" means any hole, whether drilled, dug, blasted, or otherwise produced, which is designed to provide water that may be used for domestic purposes. (Ord. 612 Sec.1, 1984; Ord. 319 Sec.1, 1969).

O. "Occupy" means to reside for any period of time greater than 14 nights in any 90 day period. (Ord. 1039 Sec.1, 2007; Ord. 612 Sec.3, 1984).

P. "Greywater" means that wastewater from a dwelling which does not contain human or animal excreta, offal, or food matter and includes waste from sinks, washing machines, and other plumbing fixtures but not toilets, bidets, and kitchen sinks. (Ord. 809 Sec.III, 1991)

13.08.020 Connection to public or private system.
All sewage shall be disposed of by connection to a public sewage system or a private sewage disposal system approved by the health department. (Ord. 319 Sec.2, 1969).

13.08.030 Privies or chemical toilets—Permission required.
It is unlawful for any person to maintain, or use, any dwelling, place of business, or other building or place (or trailer) where persons reside, congregate, or are employed which is not provided with means for the disposal of human excreta, either by connection to an approved sewage disposal system or to a public sewage system. Where it is impractical or impossible to do otherwise, the health officer may allow privies or chemical toilets; provided, that approved methods of construction and maintenance are adhered to in the installations. Such privies or chemical toilets may be installed and used only with written permission of the health officer. (Ord. 319 Sec.3, 1969).
13.08.040 Public sewer connections.
Every dwelling, place of business, or other building or place where persons reside, congregate, or are employed, that is within two hundred feet of, and may connect to, a public sewage system, shall be connected thereto. Connection to a public sewer by other than a full gravity flow system shall be made only with the approval of the health officer. (Ord. 319 Sec.4, 1969).

13.08.050 Requirements for sewage disposal systems.
It is unlawful for any person to construct or maintain any sewage disposal system which discharges any sewage, effluent, impure waters or any matter or substance offensive, injurious or dangerous to health, whereby they shall do any of the following:
A. Overflow on the surface of the ground;
B. Empty, flow, seep or drain into any springs, streams, rivers, lakes or domestic water supplies of the county;
C. Create a health or safety hazard to any person legally on the property or to minors under the age of twelve years. (Ord. 319 Sec.5, 1969).

13.08.060 Septic tanks and drainage systems--Cesspools and sewage wells.
A. Septic tanks and drainage systems shall be so constructed as to comply with the minimum standards as set forth in the rules and regulations of the health officer and approved by the board.
B. Cesspools and sewage wells shall be unlawful and are a nuisance. (Ord. 319 Sec.6, 1969).

13.08.070 Private sewage system--Permit required.
It is unlawful for any person to construct, build, or rebuild any private sewage disposal system without first securing the necessary written permits from the building department or health department. The health department is granted authority to establish reasonable standards of construction as a condition to the granting of a permit. (Ord. 612 Sec.4, 1984; Ord. 319 Sec.7, 1969).

13.08.080 Private sewage system--Application for installation.
Applications for installation of a sewage disposal system shall be valid for one (1) year, and subsequent extensions may be granted for one (1) year increments at the request of the applicant at no cost to the applicant. (Ord. 474, 1978; Ord. 319 Sec.7a, 1969).

13.08.090 Private sewage system--Rules and Regulations.
A. The health officer shall, from time to time as circumstances require, adopt, revise, or otherwise provide rules and regulations establishing application processing procedures, minimum data needs and controlling the installation, operation, and maintenance of private sewage disposal systems in the county. Such rules and regulations shall be subject to the
approval of the board and shall be considered a part of this chapter. (Ord. 741 Sec.1, 1989).

13.08.100 Repealed.
(Ord. 809 Sec.IV, 1991).

13.08.110 Unlawful occupation.
It shall be unlawful for any person to occupy any structure, including a building, dwelling, or industrial facility which does not have a sewage disposal system which has been approved by the county. (Ord. 612 Sec.5, 1984; Ord. 469 Sec.B(9)(part), 1977; Ord. 431 Sec.2(part), 1976; Ord. 319 Sec.10, 1969).

13.08.115 Definition of Occupy.
A. It shall be unlawful to occupy or reside upon any private property or any public place for a period of more than 14 nights in any 90 day period unless it is served by a sewage disposal system which has been approved by the County Health Department.
B. Travel trailers/recreational vehicles may not be used as a residence unless a permit has been obtained from the building department to do so in combination with a dwelling construction permit.
C. This section does not apply to a licensed or authorized campground or recreational park or facility. (Ord. 1039 Sec.1, 2007).

13.08.120 Violation--Notice and opportunity to cure.
Any person found to be violating any provision of this chapter or any other resolution, ordinance, rule or regulation of the health department as described in Section 13.08.090, shall be served by the health officer or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The notice shall further state the name of the individual at the health department who is authorized to inspect, and determine whether the violation has been cured. The time limit shall be not fewer than two (2) or more than fifteen (15) working days. The violator shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this chapter. Upon being notified by the health officer of any defect arising in any sewage disposal system or of any violation of this chapter, the person or persons having charge of said work shall immediately correct said work pursuant to the terms and conditions of this section. (Ord 745 Sec.1, 1989).

13.08.130 Violation--Abatement of occupancy.
Continued habitation of any building or dwelling, or continued operation of any industrial facility in violation of the provisions of this chapter or any other resolution,
ordinance, rule or regulation of the health department as
described in Section 13.08.090, creates a public health hazard,
and is a public nuisance. The health department may cause
proceedings to be brought for the abatement of the occupancy of
the building, dwelling, or industrial facility during the period
of such violation. (Ord. 612 Sec.7, 1984)

13.08.140 Enforcement measures only.
Mariposa County declares that the procedures provided for
in Section 13.08.120 through 13.08.160 are established as a
means of enforcement of the terms and conditions of this
chapter, its resolutions, ordinances, rules and regulations, and
not as a penalty. (Ord. 612 Sec.8, 1984).

13.08.150 Violation—Penalty.
Violation of any provision of this chapter shall constitute
an infraction and shall be punishable under Chapter 1.20, the
general penalty provisions of this code. The provisions of this
chapter may also be enforced by injunction issued by the
Superior Court upon suit of the county or the owner or person in
possession of any real property affected by such violation;
civil enforcement shall be cumulative and in no way affect the
penal provisions hereof. (Ord. 612 Sec.9, 1984).